

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

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JOSUE ORTIZ,

Plaintiff,

v.

**DECLARATION OF  
WAYNE C. FELLE**

**1:16-cv-00321(EAW/MJR)**

MARK STAMBACH

Defendant.

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**WAYNE C. FELLE**, pursuant to 28 U.S.C. § 1746, hereby declares as follows:

1. I am an attorney with the Law Offices of Wayne C. Felle, P.C., (“Wayne C. Felle, P.C.” or the “firm”) attorney for Plaintiff, Josue Ortiz (“Plaintiff”), and I am a member in good standing with the United States District Court for the Western District of New York. As such, I am fully familiar with the facts, circumstances and prior proceedings relating to, and created by, the above-captioned action.

2. This Declaration is submitted in support of Plaintiff’s Application for attorney’s fees, including litigation expenses and costs pursuant to 42 U.S.C § 1988.

3. On behalf of the Plaintiff, Josue Ortiz, the Law Office of Wayne C. Felle, P.C., filed a claim in the United States District Court, Western District of New York, claiming violations of Constitutional rights, and violations of 42 U.S.C § 1983, that action was commenced on April 25, 2016, has been litigated by counsel for over six (6) years.

4. On May 9, 2022, following a jury trial, the jury returned a verdict in Mr. Ortiz' favor in the total amount of \$6,500,000.00, finding the Defendant liable on all three causes of action alleging violations of 42 U.S.C. §1983 (Dkt. 160, 162))

5. Attached is a ledger of time expended in representation of Josue Ortiz, which is a true and accurate bill for legal services rendered. The billing was made contemporaneously with the work performed and does not include work deemed to be incidental to legal representation, or duplicative in nature. See "*Exhibit A*"

6. The legal fees claimed herein are calculated as follows:

NAME	POSITION	HOURLY RATE	TIME EXPENDED	FEE ALLOCATION	
Wayne Felle	Principal Attorney	\$425.00	1065.4	\$452,795	
Edward Markarian	Appellate Counsel	\$335.00	150.8	53,600	
Elizabeth Bruce	Associate Attorney	\$325.00	24	7,800	
Briana Croce	Paralegal	\$125.00	190.7	23,837	
TOTAL				\$538,032	

7. Attached as "*Exhibit B*" are a true and correct copy of the invoices for services Plaintiff, Josue Ortiz, has paid for legal costs in connection with his claims. The Court will note that Ortiz paid a total of \$37,638.28 in fees and disbursements for services related to the prosecution and trial of his claims.

8. Felle has not charged for incidental costs such as copies, fax transmissions, travel or office supplies. The costs taxed to Ortiz are actual paid, or to be paid, disbursements made on behalf of his claims.

9. Felle is a small law firm which requires selective case retention. The choice to represent Mr. Ortiz meant that other cases could not be taken on, thus legal fees and income were lost.

10. Wayne Felle, Esq., has been practicing law in Western New York since June 1994. After graduating from Canisius Collage with Political Science and Finance degree's he attended the University of Detroit Law School where he served as Student Bar Association president his senior year. He also worked at the law firm Christensen, Bannigan and Hayes which specialized in injury and commercial litigation. Upon returning to the Buffalo area Felle worked as an associate attorney at the Paul Beltz law firm working in the automobile liability and medical malpractice departments. The Beltz firm was a premier litigation firm in the region and allowed Felle to obtain a high level of proficiency in trial preparation. After leaving the Beltz firm Felle accepted a position at the law firm Rosenthal, Siegel, Menkel and Maloney where he was a senior litigation and trial attorney. Since 2002 Felle has maintained his own law firm and has secured numerous multi-million-dollar verdicts and settlements. Felle is a certified Trial Attorney through the New York State Academy of Trial Lawyers (obtained in 2010). He is a sustaining member of the New York State Bar Association, along with the Bar Association of Erie County. Felle has served on numerous Boards, including the YMCA where he is a Chairman's Round Table member.

11. Attorney Elizabeth Bruce, Esq., was an associate attorney with Felle during the early stages of representation. She is a graduate from Western Michigan University where she acquired a Bachelor of Arts degree in Criminal Justice, she continued in her education attending Cooley Law School and was admitted to practice law in New York state in 2011. Before accepting an associate position with Wayne C. Felle, PC Liz held a litigation position at Hagelin Kent, LLC. She now works as in-house counsel for New York Central Mutual.

12. Attorney Edward Markarian, Esq., is a partner I the law firm Magavern, Magavern Grimm, LLP, where he concentrates his practice in appeals. Attorney Markarian served as a law clerk to the New York State Court of Appeals, Judge Richard D. Simmons from 1987-1988, and as legal assistant to the New York State Supreme Court, Appellate Division, Fourth Department, from 1985 -1986. He was a partner in the firm Hawthorn, Markarian & Siegel, PLLC until taking his current position with Magavern, as a partner. Markarian has also served as counsel to the New York State Board of Law Examiners for many years and serves on the Board of Directors of the Erie County Bar Association, where he has previously served as the Appellate Practice Committee chair.

13. Briana Croce is a Senior paralegal specialist and office manager at the Law Office of Wayne C. Felle, PC. She attained her paralegal degree from Bryant & Stratton Collage and has attended numerous continuing legal education courses and training seminars in the field of litigation support.

14. Felle has served as lead counsel on this case since its inception. In fact, Felle met with Ortiz while he was still incarcerated. Other attorneys, and paralegal Croce, have assisted in representation of Ortiz at the direction of Felle. All work reported in the attached ledger is work

required in the legal representation of Mr. Ortiz, and time entries were made contemporaneous to work performed.

15. Based on the foregoing Felle respectfully requests that this Court grant his application for legal fees and costs reasonably and necessarily incurred in the representation of the Plaintiff.

Dated: May 20, 2022

**Law Offices of Wayne C. Felle, P.C.**

By: s// Wayne C. Felle  
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